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MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

EXAMINER	
MALONE, STEVEN J	

ART UNIT	PAPER NUMBER
3687	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/524,063	MAYER ET AL.	
	Examiner	Art Unit	
	STEVEN J. MALONE	3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a Final Office action in response to communications received April 18, 2008. Claims 18, 19, 21, and 22 have been amended. Claims 18-22 are pending and addressed below.

Response to Amendment

2. In light of the amendments to Claims 19 and 21, the claim objections are hereby withdrawn.

3. In light of the amendments to Claims 18 and 22, the rejections under 35 USC 112 second paragraph of Claims 18-22 are hereby withdrawn.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tilles et al. (6,748,295) in view of Gustafsson (6,424,841).

As per claim 18, Tilles et al. discloses a method of transmitting notifications (information) to users of a logistic system, said logistic system comprising at least one parcel compartment system with at least one registered user, wherein notification orders

are transmitted to a central sending component which, on the basis of the notification orders (parcel status), accesses at least one database and generates and sends appropriate notifications to the user (email or the like informing user of parcel status), the method comprising the steps of:

(a) calling up different modules (See the Abstract, via ActiveX software components) with associated functions in response to different events within the logistic system (See parcel status events or user events), said modules being selected from the group consisting of a client database (See col. 13 at lines 33-39, via a master server database), a registration unit (See col. 13 at lines 33-39, via user registration), and a system administration unit for the logistic system (See col. 6 at lines 25-28, via supervisor and manager system access);

(b) generating notification ("the transmission of information", see paragraph 3 of the written description) orders by the modules (See col. 12 at lines 49-54, via internet email notifications);

(c) writing the notification orders into a communication request queue (a software instruction queue, (see the Abstract, via application software; or a database used for queuing email notifications) so the orders can be sent in a deferred manner (See col. 12 at lines 55-59, via attaching a bar code to written notice of a failed delivery so the undelivered order can be scanned into a program queue allowing for electronic notification of the failed delivery); and

reading the orders from the communication request queue (program instruction queue) by a queue reader (memory device) in a timer-controlled

manner (a scanner which includes a timer based central processing unit CPU or microprocessor) and transferring the orders to the central sending component (See col. 13 at lines 5-7, via an employee scanning a bar code related to a failed delivery for entry into a server database allowing email notice to be sent to a user);

(d) generating appropriate user-specific notifications by the central sending component (See col. 13 at lines 33-35, via user-specific email notifications); and,

(e) sending said notifications to the user by the central sending unit via a gateway (master server 20 or web server 32, see col. 3 at lines 64-67); wherein said generating step includes accessing at least one client database (See col. 13 at lines 33-36, via a master server database), a parcel database (See Figure 10 and col. 10 at lines 41-44, via local item inventory database), an automatic parcel delivery machine database (See Figure 11, via a carousel database 128), and a document database (See col. 10 at line 23, via database maintenance reports) by the central sending component (master server 20 or web server 32, See col. 3 at lines 64-67), wherein said method further includes the step of validating the status of the notification orders in a delivery contract logic before transferring the notification orders to the central sending component (See col. 13 at lines 31-54, via a user selecting delivery contract logic allowing mail to be delivered directly to a compartment system, the system checks (validates) to see if the contract option has been selected and notifies the user when compartment mail is available).

However, Tilles et al. fails to explicitly disclose writing the notification orders into a communication request queue so the orders can be sent in a deferred manner.

Gustafsson discloses a short message service with improved utilization of available bandwidth including writing the notification orders into a communication request queue so the orders can be sent in a deferred manner (See col. 3 at lines 11-27, via a deferred SMS messaging service).

From this disclosure of Guastfsson it would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify the item delivery and retrieval system of Tilles et al. to include writing notification orders into a communication request queue so the order can be sent in a deferred manner as taught by Guastfsson in order to efficiently utilize SMS systems to accommodate subscribers.

As per claim 19, Tilles et al. discloses the step of allocating client data, parcel data, and parcel compartment system data in the databases by means of IDs (See the Abstract, via customer identification so as to permit retrieval of items located in specifically designated bins; customer IDs being accessible by master server 20).

As per claim 20, Tilles et al. discloses wherein the events in the logistic system comprise at least the following:

- registration of the new user (See col. 13 at lines 33-39, via user registration)

- change in the user data (See col. 13 at lines 29-31, via taking a picture of the user when picking up an item)

- placement of a new parcel in a parcel compartment system (See col. 12 at lines 63-65, via loading of the storage unit)

- picking up a parcel from a parcel compartment system (See col. 13 at lines 8-9, via a user retrieving an item)

- sending back a parcel (See col. 10 at lines 66-67, via the return item function)

- adding a substitute for pick-up of a parcel (See col. 14 at lines 43-45, via a customer loyalty card transferable to a substitute for pick-up of a parcel).

- removing a substitute (See col. 14 at lines 43-45, via taking away a customer loyalty card from a substitute).

As per claim 21, Tilles et al. discloses all elements of the claimed invention but fails to explicitly disclose the step of sending the notifications to the users in the form of at least one of e-mail and SMS.

Gustafsson discloses a short message service with improved utilization of available bandwidth including the step of sending the notifications to the users in the form of at least one of e-mail and SMS (See col. 1 at lines 60-67, via an SMS e-mail notification message).

From this disclosure of Guastfsson it would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify the item delivery and retrieval system of Tilles et al. to include sending an SMS email message as taught by Guastfsson in order to efficiently utilize SMS systems to accommodate subscribers.

As per claim 22, Tilles et al. discloses a device for transmitting notifications to users of a logistic system that operates one or more parcel compartment systems (See col. 13 at lines 33-36, via transmitting email notifications to users when an item is stored

in an item delivery and retrieval system IDRS), wherein the logistic system comprises modules having functions for generating notification orders, of a central sending component, of a communication request queue (See col. 13 at lines 49-50, via when an item is placed in storage a notification is emailed), of a document database with templates for generating individual notifications for the specific users (See col. 13 at lines 49-50, via sending notification to a user based on an email address on file), of a client database with information about clients, of a parcel database with information about parcels (parcels present or not), of an automatic parcel delivery machine database (local item inventory database 134 or carousel database 128) with information about parcel Compartment systems and of a gateway for sending the notifications (See col. 13 at lines 49-54, via sending an email when an item is placed in a storage compartment), wherein the modules are one or more of a client database, a registration unit and a system administration unit for the logistic system (See col. 13 at lines 33-39, via a master server database).

Response to Arguments

6. Applicant's arguments with respect to claims 18-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN J. MALONE whose telephone number is (571)270-5107. The examiner can normally be reached on Monday-Thursday 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew S Gart/
Supervisory Patent Examiner, Art Unit 3687

SM